ADDITIONAL FEE:

Please charge any insufficiency of fee, or credit any excess, to Deposit Account No. 50-0427.

R E M A R K S

The Office Action issued April 16, 2008 has been received and its contents have been carefully noted.

Claims 1-50 and 99-109 have been withdrawn from consideration. Claims 51-64, 96 and 110 have been cancelled.

Of the remaining claims 65-95, 97, 98, 111 and 112, claims 65 and 79 are independent. Claims 93-95 have been amended to depend, directly or indirectly, from claim 65.

Independent claim 65 recites an order automation system, especially suitable for a restaurant facility, having a "plurality of menu tablets each having a graphic display." These menu tablets communicate wirelessly with a computer server which stores menu data "comprising menu items which may be ordered."

According to the invention, "the menu tablets comprise means for sensing the location of the tablet within the facility."

Page 43 of the application specification describes how
the location of each tablet may be sensed using an RFID
tag. This text states:

"The Table Call Unit may also contain a Table ID
transmitter/RFID swipe device 7 that transmits a
unique table ID that is received by the Automated
Ordering System's E-Menu units (described in next
section). In order to prevent one table's E-Menus
from receiving the table ID transmissions from another
table's transmitter, the transmitters may be set to a
low power thereby requiring close proximity of the E-
Menu in order to establish the table ID onto the E-
Menu. This function of setting a unique table ID on a
table's E-Menus can alternatively be implemented by
use of a Radio Frequency Identification (RFID) based
means. This would allow an E-Menu to be swiped across
an RFID unit that electro-magnetically affixes a
unique table ID onto the E-Menu. If the E-Menu is
moved to another table, it is swiped at that table's
RFID transceiver and all subsequent operations from
that E-Menu are associated with the new table. If a
restaurant implements both the Waiter Call System and
the Automated Ordering System, this transmitter or
RFID transceiver is embedded in the Table Call Unit.
If only the Automated Ordering System is implemented
without the Waiter Call System, then the table ID
transmitter/RFID transceiver means is affixed to or
embedded within the dining table. The Table ID
transmitter/RFID swipe device is modular so that it
may be plugged into or removed from the TCU or the
table easily."

None of the references made of record in this
application teach or suggest this concept.

In service automation systems of the type recited in
claim 65, it is critical to automatically establish the
geographical source of the requesting terminal. In the
case of restaurants, the requesting customer's table ID

25

must be associated with all requests originating from that customer. This must be done in a manner that is transparent and non-intrusive to the restaurant or to the customer.

In U.S. Patent No. 7,257,547, Terase proposes that the table top terminal 10 be placed in a table terminal receptacle (Column 4, line 46; Column 7, lines 1-2). Furthermore, Terase requires that switches be set on the terminal receptacle to establish the unique table ID (Column 9, lines 51-52). These requirements impose a burden on the customer by constraining movement and positioning of the terminal device. Further, this system imposes an administrative burden on the restaurant by requiring the manual setting of receptacle switches. Finally, this approach does not gracefully address the reality that table top terminals will inevitably be moved from table to table in the busy and often chaotic environment of a restaurant.

As an improvement to all these shortcomings, applicant proposes the use of wireless technology such as RFID for truly automatic and seamless integration of the table ID with applicant's menu tablet. In this system, the tablet simply needs to be in the proximity of an RFID tag which is embedded in each table and already has a unique ID value.

This approach (1) relieves the restaurant of the burden of having to manually set switches to establish a unique ID, (2) allows the tablet to be placed anywhere on the table or in a mount or in any position that is suitable for the customer, and (3) allows any tablet to be moved to any table. The proximity of the tablet to the table's embedded RFID tag will automatically set the table ID on the tablet.

Terase' claim 1 states:

"...a terminal receptable including an identification number, provided at least one customer location and, the terminal receptacle receives the portable table top terminal thereon, and the number reading part reads the idenfication number *when the portable table top terminal is placed onto the terminal receptacle*, wherein

"the portable table top terminal processes a customer's order on the basis of the idenfication number, and the control unit manages the occupancy of the at least one customer location based on the identification number, and..."

Whereas Terase specifically states that the reading part reads the ID number "when the portable table top terminal is placed onto the terminal receptacle, ...", in applicant's system, as recited in claim 65, the device "senses" its location automatically thereby relieving the customer or the employee from any awkward device positioning and allowing free movement, placement, and use of device. Applicant's disclosure further elaborates on

RFID as one possible means of wirelessly achieving this sensing functionality based on device proximity to an RFID tag.

Applicant's independent claim 79 defines the same system as claim 65, except for the "improvement clause" which states:

"wherein the menu tablets have no CPU."

One of the most critical considerations that must be given to any service management system that requires use of customer operated terminals is the cost of the terminal device. Since this is the most numerous component in the overall system, its cost is the decisive factor in whether the invention has any chance of realizing practical implementation or if it remains a theoretical invention.

In Column 6, Line 46, Terase states: "The table top terminals 10, counter top terminals 30, worktable terminal 15, kitchen terminal 16 and guide display 18 are essentially identical and personal computers." Subsequent sentences also establish the full personal computer nature of the devices used in Terase's system. Furthermore, Terase explicitly depicts a Central Processing Unit (CPU) in Fig 3.

The present application clearly explains that PC systems or devices leveraging full CPUs cannot be

28

practically used in such an environment that requires a

plurality of customer operated terminals. Applicant's menu

tablet is able to achieve functionality without the use of

a CPU and, therefore, at a cost low enough for practical

reality.

In U.S. Patent No. 6,618,062, Brown et al. disclose a

restaurant automation system which is similar, in many

respects, to applicant's basic system. However, Brown et

al. disclose neither a "means for sensing the location of

the table within the [restaurant] facility" (applicant's

claim 65) nor menu tablets which "have no CPU" (applicant's

claim 79).

Fig. 3 of Brown et al. shows the use of a "dumb

terminal" for user entry of food items. However, as

explained in Column 8, lines 13-21, this terminal 54

clearly includes a CPU.

> "In yet another example, a dumb terminal 54 provides
> graphical prompts for a customer to input food
> preferences such that the customer input food
> preferences are accessible to computer system 10 via a
> communications medium. As is well known in the art,
> dumb terminal 54 may comprise a data processing system
> with a display device and input device, such as a
> keyboard and mouse. However, dumb terminal 54 is a
> shell controlled by a more powerful data processing
> system, such as computer system 10, for processing and
> storage."

Further, Brown et al. fail to teach or suggest

anywhere throughout the text of the patent, that the menu

29

tablet comprises "means for sensing [its] location...within the facility."
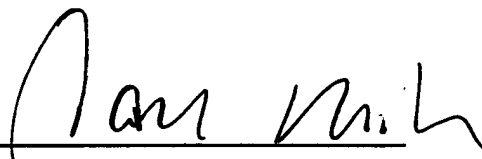
The U.S. Patent Publication No. 2002/0191029 to Gillespie et al. discloses a touch screen activated graphical user interface (GUI) for a computer system. This patent also fails to disclose or suggest the inventive features recited in applicant's independent claims 65 and 79.

Inasmuch as Gillespie et al. was applied only against claim 63 of this application, and claim 63 has been canceled, no further discussion of this reference is believed to be necessary.

Finally, the U.S. Patent Publication No. 2002/0026364 to Mayer et al., 2004/0034564 to Liu and 2003/0078793 to Toth, all relating to electronic systems for automating a restaurant, have been carefully reviewed but are also believed to be inapplicable to applicant's invention, as defined in independent claims 65 and 79.

There being no further issues outstanding in this application, applicant's remaining claims 65-95, 97, 98, 111 and 112 are believed to be in condition for immediate allowance. A formal Notice of Allowance is accordingly respectfully solicited.
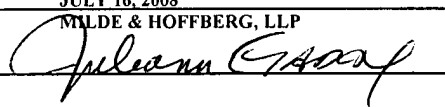
Respectfully submitted,

By _____
Karl F. Milde, Jr.
Reg. No. 24,822

MILDE & HOFFBERG, LLP
10 Bank Street - Suite 460
White Plains, NY   10606

(914) 949-3100